

## Message Text

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EXDIS

E.O. 11652: GDS

TAGS: JBOR, EAID, JO, US, IS

SUBJECT: MAQARIN DAM WATER RIGHTS -- NEXT STEPS

REF: A. STATE 306059; B. TEL AVIV 11198

1. SUMMARY. MESSAGE REVIEWS STATUS OF WATER RIGHTS  
ISSUES IN LIGHT OF RECENT POLITICAL DEVELOPMENTS, THE  
FINAL HARZA FEASIBILITY REPORT ON THE MAQARIN PROJECT,  
TECHNICAL MEETINGS IN AMMAN CALLED BY GOJ FOR EARLY  
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APRIL TO REVIEW THAT REPORT, AND POSSIBLE NEXT STEPS.

2. POLITICAL DEVELOPMENTS

A. IN LATE DECEMBER (REF A) WE CONCLUDED THAT THE  
DISCUSSIONS WE HAD HELD WITH GOJ AND GOI ON WATER  
RIGHTS UNDER AUSPICES OF OUR GOOD OFFICES ROLE WERE  
AT A TEMPORARY IMPASSE; THAT THERE WAS LITTLE WE  
COULD DO AT THAT POINT TO BRING THE PARTIES CLOSER  
TO AN AGREEMENT; AND THAT IT SEEMED BEST, THEREFORE,

TO AWAIT DEVELOPMENTS ON THE BROADER POLITICAL NEGOTIATIONS WHICH WOULD DEVELOP FOLLOWING SADAT'S VISIT TO ISRAEL. THE IMPASSE REFERRED TO ABOVE WAS CAUSED BY THE INSISTENCE OF THE GOI ON BILATERAL TECHNICAL DISCUSSIONS WITH JORDAN BEFORE AGREEING TO

ANY OF THE SOLUTIONS TO THE MAIN PROBLEMS THAT HAD BEEN DISCUSSED AND BY THE GOJ POSITION THAT SUCH BILATERAL TALKS WERE OUT OF THE QUESTION AT THAT TIME.

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B. DEVELOPMENTS, OR THE LACK THEREOF, DURING THE PAST THREE MONTHS MAKE IT VERY UNLIKELY THAT A MAJOR CHANGE IN THE GOJ POSITION WILL OCCUR IN THE IMMEDIATE FUTURE. NOR HAVE THERE BEEN ANY INDICATIONS THAT THE GOI IS ABOUT TO CHANGE ITS QUOTE NO BILATERAL TALKS - NO DAM UNQUOTE STANCE.

### 3. AMMAN MEETINGS ON MAQARIN PROJECT N APRIL.

THE TECHNICAL MEETING OF DONORS ON MAQARIN DAM/ JORDAN VALLEY IRRIGATION STATE II IS NOW SCHEDULED  
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FOR APRIL 8-10 WITH THE DONOR PRINCIPALS MEETING SCHEDULED IN LATE MAY OR EARLY JUNE. THE APRIL MEETING WILL REVIEW IN DETAIL THE HARZA FEASIBILITY STUDY, INCLUDING THE OPTIONS FOR WATER CONVEYANCE, I.E., THE DIVERSION WEIR AND DROP INLET APPROACHES AND THEIR IMPACT ON WATER UTILIZATION AND PROJECT COSTS. THE DIVERSION WEIR ISSUE AS IT MAY IMPACT DELIVERY TO THE YARMOUK TRIANGLE IS LIKELY TO COME UP FOR DISCUSSION IN OR BEFORE THE TECHNICAL MEETINGS.

### 4. HARZA FEASIBILITY REPORT.

ALTHOUGH OUR REVIEW OF THAT REPORT IS NOT YET COMPLETED, A FEW MAJOR ISSUES HAVE BECOME CLEAR.

(A) THE COST ESTIMATE FOR STAGE III OF ABOUT DOLS 580 MILLION, INCLUDING ESCALATION DURING CONSTRUCTION (ALMOST HALF OF WHICH WOULD BE NEEDED FOR RAISING THE MAQARIN DAM), IS SO HIGH IN RELATION TO THE ADDITIONAL WATER AVAILABILITY THAT WOULD RESULT (SUFFICIENT FOR ABOUT 5,100 HA.) THAT IT NOW APPEARS HIGHLY UNLIKELY THAT THE DAM WILL EVER BE RAISED ABOVE THE HEIGHT TO WHICH IT IS ORIGINALLY CONSTRUCTED. (SINCE TIMING OF CONSTRUCTION TO THE ULTIMATE HEIGHT IS INDEFINITE, COST ESCALATION WELL ABOVE THE 45 PERCENT DURING CONSTRUCTION ASSUMED BY

HARZA MUST BE ANTICIPATED AND TOTAL ESCALATED COSTS ARE THUS LIKELY TO EXCEED THE PRESENT COST OF

STAGE II.) SINCE FUTURE RAISING OF THE DAM TO ULTIMATE HEIGHT DOES THUS NOT APPEAR AS A REALISTIC APPROACH TO DESIGN, THE ELEVATION TO WHICH THE DAM SHOULD BE CONSTRUCTED WITHIN THE STAGE II PROJECT IS AGAIN AN OPEN QUESTION.

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(B) SEEN IN THIS LIGHT, WATER AVAILABILITY FOR FUTURE USE ON THE WEST BANK ASSUMES HEIGHTENED IMPORTANCE, NOT ONLY BECAUSE THE ISRAELIS HAVE RAISED THE QUESTION BUT ALSO BECAUSE THE WEST BANK (AS A RIPARIAN) MUST BE VIEWED BY THE USG AS HAVING CLAIM ON SOME YARMOUK WATER, REGARDLESS OF THE FLAG FLYING OVER THE AREA AND REGARDLESS OF CLAIMS IT MAY HAVE ON OTHER WATER SOURCES, E.G., LAKE TIBERIAS. THE MAQARIN DAM MUST, THEREFORE, BE DESIGNED IN A MANNER WHICH DOES NOT FORECLOSE SUBSTANTIALLY FULL UTILIZATION OF YARMOUK WATER AND THE POSSIBLE FUTURE APPORTIONMENT OF SOME PART TO THE WEST BANK. THE HARZA RECOMMENDATION MEETS THIS TEST BUT, AS DISCUSSED IN (A), ABOVE, THE FOUNDATION DESIGN IN MAQARIN STAGE II TO ACCOMMODATE FUTURE RAISING TO 200 METERS CREST ELEVATION WOULD BE A USELESS EXPENDITURE UNLESS SUCH RAISING IS LIKELY TO HAPPEN. IF THE DAM IS NOT RAISED TO ULTIMATE (200 METERS) CREST, AS WE ASSUME, THE DAM MAY HAVE TO BE DESIGNED FOR INITIAL CONSTRUCTION TO A HIGHER CREST ELEVATION THAN 158 OR EVEN 168 METERS.

(C) THE WATER DELIVERIES TO THE YARMOUK TRIANGLE WOULD BE ASSUMED AT AN ANNUAL RATE OF 25 MCM IF HARZA'S RECOMMENDED DESIGN ( 158 METERS CREST ELEVATION AND DIVERSION WEIR) WERE TO BE ADOPTED. THE SAME RESULT WOULD BE OBTAINED WITH HARZA'S ALTERNATIVE I (168 METER CREST ELEVATION AND DROP INLET). UNDER BOTH ALTERNATIVES, THE KEY ISSUE APPEARS TO BE, HOWEVER, NOT SO MUCH ANNUAL FLOW TO THE TRIANGLE BUT AVAILABILITIES DURING THE CRITICAL DRY SUMMER MONTHS (JUNE TO SEPTEMBER). WE WOULD HAVE TO BE SATISFIED THAT ADEQUATE RELEASES ARE

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MADE FROM MAQARIN DURING THOSE MONTHS TO SATISFY REASONABLE REQUIREMENTS IN THE TRIANGLE, WHETHER THE DIVERSION WEIR OR THE DROP INLET ALTERNATIVE IS ADOPTED. IN THE EVENT THAT CONSTRUCTION OF THE DAM

TO ITS ULTIMATE HEIGHT IS UNDERTAKEN AS PART OF THE STAGE II PROJECT, WE WILL ALSO HAVE TO BEAR IN MIND THAT THE ISRAELIS WOULD THEN PROBABLY RAISE NOW THE QUESTION OF ALLOCATIONS TO THE TRIANGLE IN EXCESS OF 25 MCM (UP TO 40 MCM), A QUESTION WHICH THEY SAID

LAST NOVEMBER THEY PROPOSED TO RAISE IN THE CONTEXT OF DEVELOPMENT OF THE YARMOUK TO ITS QUOTE ULTIMATE UNQUOTE POTENTIAL.

5. WE SEE THE FOLLOWING IMPLICATIONS OF THE FACTS DISCUSSED ABOVE:

(A) NEITHER THE GOI NOR THE GOJ ARE LIKELY TO CHANGE THEIR RESPECTIVE POSITIONS ON THE QUESTION OF BILATERAL DISCUSSIONS IN THE IMMEDIATE FUTURE:

(B) IN THE ABSENCE OF AGREEMENT ON BILATERAL DISCUSSIONS, THE GOJ MAY NOT ADOPT EITHER HARZA'S RECOMMENDED SOLUTION OR THEIR ALTERNATIVE I; INSTEAD, IT MAY PROPOSE, IN THE INTEREST OF COST SAVINGS, TO CONSTRUCT THE DAM TO ELEVATION 158 METERS AND THE TWO-TUNNEL DROP INLET WHICH WOULD ONLY ASSURE 17 MCM TO THE YARMOUK TRIANGLE. IN OUR MEETINGS WITH ODEH AND ABDULLAH LAST DECEMBER, THAT IS WHAT THEY APPEARED TO ADVOCATE. APART FROM THE QUESTIONS ON STAGE III RAISED ABOVE, THIS WOULD NOT BE AN ACCEPTABLE SOLUTION UNLESS THE JORDANIANS AGREED TO RELEASE SUFFICIENT WATER TO THE TRIANGLE DURING THE CRITICAL MONTHS (ABOUT 25 MCM IN TOTAL EQUAL TO ABOUT 2.3 CMS) BUT EVEN IF THEY DID AGREE TO DO SO, THE SOLUTION WOULD PRODUCE LARGER AND SECRET

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MORE FREQUENT WATER SHORTAGES IN THE EAST GHOR AND THUS REDUCE ECONOMIC BENEFITS OF THE PROJECT.

(C) WATER FOR THE WEST BANK MUST BE CONSIDERED NOW IN A BROADER CONTEXT THAN WE HAVE DONE UNTIL NOW. WE HAD HOPED THAT THE ISSUE COULD, FOR THE MOMENT, BE ADEQUATELY DEALT WITH IN THE CONTEXT OF COOPERATION BETWEEN THE GOJ AND GOI ON A WEST BANK STUDY. NO AGREEMENT HAS BEEN REACHED ON THAT STUDY. IN LIGHT OF THE COSTS OF A STAGE III PROJECT, HOWEVER, THE WEST BANK ISSUE WILL NOW HAVE TO BE FACED HEAD-ON; THAT MEANS REOPENING THE QUESTION OF THE HEIGHT OF THE MAQARIN DAM AND RE-EXAMINING THE COSTS AND BENEFITS OF THE POSSIBLE CONSTRUCTION OF THE KHALID DAM AT A LATER TIME; IN ADDITION, THE WEST BANK STUDY CONTINUES TO REMAIN AN IMPORTANT VEHICLE IN DEALING WITH WEST BANK WATER REQUIREMENTS AVAILABILITY AND CONVEYANCE. IN ORDER TO BRIDGE SOME OF

DIFFERENCES BETWEEN GOJ AND GOI ON WEST BANK STUDY, BELIEVE USG SHOULD CONSIDER FINANCING SUCH A STUDY, WHICH COULD BE UNDERTAKEN BY HARZA UNDER CONTRACT TO A.I.D. AND FINANCED FROM MIDDLE EAST SPECIAL

REQUIREMENTS FUND (MESRF). FROM DISCUSSIONS IN BOTH JERUSALEM AND AMMAN, WE BELIEVE THE PARTIES ARE LIKELY TO ACCEPT SUCH AN ARRANGEMENT.

(D) WITH RESPECT TO ADDITIONAL WATER AVAILABILITY, THERE WILL BE A NEED FOR GOJ TO ASSESS EAST BANK GROUNDWATER POSSIBILITIES. THE HUMPHREY STUDY OF NORTHERN JORDAN, THE FORTHCOMING RIFT VALLEY STUDY AND OTHER STUDIES SHOULD PROVIDE THE NECESSARY DATA FOR SUCH AN ASSESSMENT.

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(E) IN SUMMARY, NOT ONLY IS THE INTRACTABLE QUESTION OF BILATERAL DISCUSSIONS UNRESOLVED BUT THE HARZA STUDY HAS RAISED THE FUNDAMENTAL QUESTION WHETHER THE DEVELOPMENT OF THE YARMOUK SHOULD BE DONE IN ONE OR TWO STAGES AND, IF SO, WHAT SHOULD BE DONE IN EACH STAGE.

6. WE BELIEVE THAT THE SITUATION, AS WE SEE IT, REQUIRES A RATHER THOROUGH REVIEW BY AMMAN WITH THE GOJ BEFORE THE MEETINGS START ON APRIL 8. IT APPEARS NECESSARY TO INFORM THE GOJ OF THE PROBLEMS WE SEE AND TO ASCERTAIN HOW IT EXPECTS TO DEAL WITH THEM DURING THE MEETINGS WHICH, DUE TO THE COMPOSITION OF THE PARTICIPANTS, DOES NOT SEEM AN IDEAL FORUM FOR A DETAILED DISCUSSION OF ALL THE ISSUES. IN ADDITION TO THE QUESTIONS DISCUSSED ABOVE, THE FOLLOWING FACTS ARE RELEVANT:

(A) PRESIDENT ASSAD HAS NOT YET SENT THE MAQARIN DAM TREATY TO THE PEOPLE'S ASSEMBLY FOR RATIFICATION;

(B) WE UNDERSTAND THAT THE HIRC REPORT IS LIKELY TO INCLUDE LANGUAGE REQUIRING A.I.D. TO OBTAIN, BEFORE COMMITTING FUNDS TO THE PROJECT, EVIDENCE THAT THE WATER RIGHTS OF RIPARIANS HAVE BEEN DEALT WITH SATISFACTORILY AND, BEFORE OBLIGATIONS BECOME EFFECTIVE, A SATISFACTORY FINANCIAL PLAN FOR THE PROJECT, SUPPORTED BY NECESSARY COMMITMENTS FROM OTHER DONORS. SIMILAR LANGUAGE MAY BE PROPOSED BY THE SENATE FOREIGN RELATIONS SUBCOMMITTEE. THESE ACTIONS SIMPLY UNDERLINE THE OBVIOUS FACT THAT A.I.D. COULD NOT PROCEED WITHOUT SATISFYING ITSELF ON THESE PRECONDITIONS.

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7. THE QUESTIONS TO WHICH ANSWERS WOULD BE IMPORTANT INCLUDE THE FOLLOWING:

(A) IN VIEW OF THE COST ESTIMATES FOR STAGE III, SHOULD THE OPTIMAL HEIGHT OF THE DAM BEING BUILT AS PART OF STAGE II BE RESTUDIED?

(B) IF NOT, HOW CAN THE COSTS OF STAGE III BE JUSTIFIED?

(C) IF A RESTUDY IS IN ORDER, HOW DOES IT PLAN TO HANDLE THAT QUESTION AT THE TECHNICAL MEETINGS IN APRIL? (WE PLAN TO SUGGEST BY SEPTEL SPECIFIC QUESTIONS WE BELIEVE ALSO NEED FURTHER EXPLORATION.)

(D) WHAT HEIGHT OF DAM AND WHICH OF THE DIVERSION ALTERNATIVES WILL IT RECOMMEND?

(E) ASSUMING THAT GOJ WILL WISH TO MEET WATER REQUIREMENTS IN THE YARMOUK TRIANGLE WITHIN A GIVEN ANNUAL TOTAL (E.G. 25 MCM), HOW DOES IT PLAN TO OBTAIN MONTHLY WATER REQUIREMENTS FOR RELEASE TO TRIANGLE? --- -

(F) HOW DOES IT PLAN TO SHOW THAT RIPARIAN INTERESTS HAVE BEEN SATISFACTORILY DEALT WITH?

8. WE WOULD APPRECIATE EARLIEST POSSIBLE COMMENTS (A) FROM AMMAN ON ENTIRE MESSAGE; (B) FROM TEL AVIV ON OUR ASSUMPTION THAT GOI WILL NOT CHANGE ITS POSITION ON BILATERAL TALKS AND ANY OTHER SUBJECTS IT WISHES TO DISCUSS; AND (C) FROM DAMASCUS ON STATUS OF AND PROSPECTS FOR SARG RATIFICATION ON  
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MAQARIN DAM TREATY. VANCE

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